

**Notice of Allowability**

Application No.

10/809,914

Examiner

Kianni C. Kaveh

Applicant(s)

KATHMAN ET AL.

Art Unit

2883

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/7/06 and 11/21/06.
2. ☒ The allowed claim(s) is/are 1-17, 21-22, 24 and 27.
3. ☒ The drawings filed on 26 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**KAVEH KIANNI**  
**PRIMARY EXAMINER**

**KAVEH K.**  
**PRIMARY EXAMINER**

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Applicant's canceling of claims 18-20 in the amendment/response submitted on 9/7/06 is acknowledged.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Morse on 11/21/06 in order to overcome the prior art of the record and thus allow the case.

In the 4<sup>th</sup> line of claim 1, please delete [having] and insert being coated with

In the 5<sup>th</sup> line of claim 1, please delete [thereon]

In the last line of claim 21, immediately after 'metalized trench' please insert  
; a ledge formed by differing widths between the mount substrate and the spacer  
substrate, the metalized trench being in the ledge

Please delete claim 23

Please delete claims 25-26

***Reason for Allowance***

Claims 1-17, 21-22, 24 and 27 are allowed for the following reasons:

The instant application is deemed to be directed to a nonobvious improvement over the invention patented in Pat. No. Jian (US 2003/0002809; also to the analogous reference US 6981804).

Claim 1 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious an interior surface of the spacer substrate being angled and being coated with a reflective material in combination with the rest of the limitations of the base claim. Claims 2-11 and 13-16 are allowed by virtue of dependency.

Claim 12 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious above the sealer substrate, an isolator stack including first and second polarizers and a Faraday rotator sandwiched between the first and second polarizers in combination with the rest of the limitations of the base claim.

Claim 21 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious a ledge formed by differing widths between the mount substrate and the spacer substrate, the metalized trench being in the ledge in combination with the rest of the limitations of the base claim. Claim 22 is allowed by virtue of dependency.

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Claim 24 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious a ledge formed by differing widths between the mount substrate and the spacer substrate, the electrical contact for the optoelectronic device being on the ledge in combination with the rest of the limitations of the base claim.

Claim 27 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious a mating feature surrounding the optical element, the mating feature for mating the optical apparatus with another structure and providing separation between the optical element and the another structure in combination with the rest of the limitations of the base claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kianni C. Kaveh whose telephone number is 571-272-2417. The examiner can normally be reached on 9:30-19:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
K. Cyrus Kianni  
Primary Patent Examiner  
Group Art Unit 2883

**KAVEH KIANNI  
PRIMARY EXAMINER**

November 21, 2006